

Amendment
Serial No. 10/634,700

Docket 5000-1-438

REMARKS

Entry of this amendment, reconsideration of all grounds of rejection in the Office Action, and allowance of all of the pending claims are respectfully requested in light of the above amendments and the following remarks. Claims 1-5 remain pending herein. Claim 1 was amended to recite that a number of classes are provided according to a total number of the SIDs controlled by the single ONU; support for this amendment is located in the specification at least at page 10, lines 5-6.

Applicant acknowledges with appreciation that the objection to claim 1 has been withdrawn.

Claims 1-5 stand rejected under 35 USC § 103(a) as being unpatentable over Sala et al. (US 2003/0117998) ("Sala") and further in view of Rothenberg (US 5,432,850).

Claim 1 has been amended to include the recitation that the ONU ID field is configured to provide a virtual group ID for a plurality of entities controlled by a single ONU, including a quantity of classes provided according to a total number of SIDs controlled by the single ONU. The specification at page 10, lines 2-8, discloses that the PAID field 302 (shown in FIG. 3) further includes an LLID field 312 for identifying the ONUs or management entities, such as different service providers. In addition, an SID field 314 is used for adapting the LLID field 312 as a group ID to create a plurality of entities controlled by a single ONU. A variety of class are provided according to the total number of SID fields controlled by the management entity (i.e. ONU), and the number of LLID fields 312 and the number of SID fields 314 can be limited in the classes.

A known problem with P2P emulation is that there are QoS issues with service segregation and/or traffic segregation. Also, in the case where many VLANs supported

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by different service providers, there can be no interoperability among the VLANs. The provision of different classes controlled by a single entity permits compartmentalization that reduces the problems of meeting QoS requirements, and permits interoperability among the VLANs.

Applicant respectfully submits that the combination of Sala and Rothenberg fails to disclose or suggest at least the foregoing recitation of claim 1.

With regards to a rejection of a claim under section 103 as being obvious, such a rejection requires showing that the prior art references, alone or in combination, teach all features in the claims (*In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)), including those in functional language (*In re Schreiber*, 128 F.3d at 1478), and/or those features as recited in the claims would have been within the ordinary skill in the art (*KSR International Co. v. Teleflex Inc. et al.*, No. 04-1350, U.S. Supreme Court, decided April 30, 2007). As a person of ordinary skill in the art would not have found any teaching, suggestion, motivation from the combination of references, or that the features of claim 1 are within the knowledge of a person of ordinary skill in the art, claim 1 is believed to be patentable in view of the combination of references.

For the foregoing reasons, Applicant respectfully requests withdrawal of this ground of rejection.

With regard to the rejections of claims 2-5, each of these claims is believed to be patentable at least for dependence from claim 1, and because of an independent basis for patentability, as each claim defines an additional aspect of the invention. Accordingly, the individual consideration of the patentability of each claim on its own merits is respectfully requested.

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For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited reference. A notice of Allowance is respectfully requested..

Should the Examiner deem that there are any issues, which may be best, resolved by telephone communication, please contact Applicant's undersigned Attorney at the number listed below.

Respectfully submitted,

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